



IN THE CIRCUIT COURT OF THE  
EIGHTEENTH JUDICIAL CIRCUIT  
IN AND FOR BREVARD COUNTY,  
FLORIDA

CASE NO. 2012-CF-35337-A

STATE OF FLORIDA,

Plaintiff,

vs.

BRANDON LEE BRADLEY,

Defendant.

\_\_\_\_\_ /

**MOTION IN LIMINE RE: GRAND JURY**

The Defendant, BRANDON LEE BRADLEY, pursuant to Section 90.401 and 90.403, moves this Court enter its order prohibiting the State Attorney, his assistants, witnesses, and agents from commenting, in the presence of the jury, that the Indictment filed against the Defendant was returned by a grand jurors; and from identifying the charging document as an indictment. The Defendant would also respectfully request this Hon. Court to refrain from mentioning that the indictment was returned by a grand jury, or that the charging document is an indictment. As grounds therefore, the Defendant would state as follows:

1. That Defendant is charged in the above-styled cause with First Degree Murder.
2. The defense has reason to believe the State and/or its witnesses may argue or comment on the fact that an Indictment filed against the Defendant was returned by a grand jury.
3. Such argument or comment tends to impress upon the jury that their fellow citizens have already passed on the evidence to be presented in this case and determined that the Defendant is guilty.
4. There is no prejudice to the State of Florida in prohibiting such comments.
5. Such argument or comment has no probative value.

6. Such argument or comment is irrelevant and does not tend to prove or disprove a material fact in the above-styled cause.

7. Such argument or comment is highly prejudicial.

8. Such argument or comment will only confuse the Jury. Many veniremen do not understand the difference between a Grand Jury and a Petit Jury.

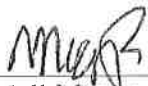
9. Such argument or comment can only mislead the Jury. Ruiz v. State, 743 So.2d 1 (Fla. 1999).

10. Such argument or comment violates the Defendant's rights to Due Process, a fair trial, effective assistance of counsel and a reliable sentencing determination in violation of the Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution and article I, sections 2, 9, 16, 17, 21, 22 and 23 of the Florida Constitution.

WHEREFORE, the Defendant requests this Court to enter an Order prohibiting the State Attorney, his assistants, witnesses and agents from commenting, and would ask the Court to refrain from commenting, in the presence of the jury, that the Indictment filed against the Defendant was returned by a the grand jury, or from indemnifying the charging document as an indictment.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by e-service to the Office of the State Attorney, Brevard County, Florida, this 8<sup>th</sup> day of November, 2013.

  
\_\_\_\_\_  
J. Randall Moore  
Assistant Public Defender  
Florida Bar No. 0357847  
2725 Judge Fran Jamieson Way  
Building E, Second Floor  
Viera, FL 32940  
321-617-7373  
brevardfelony@pd18.net